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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ZUFFA, LLC, a Nevada limited liability
company,

Plaintiff,

v.

<theultimatefighter.com>, an Internet domain
name,

Defendant.

CASE NO.

**COMPLAINT FOR INJUNCTIVE
RELIEF**

For its complaint, Zuffa, LLC, alleges the following.

NATURE OF THE CASE

This is an *in rem* action against <theultimatefighter.com> domain name based on the Anti-cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d). Plaintiff seeks preliminary and permanent injunctive relief and the transfer of the registration of <theultimatefighter.com>.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. This Court has in rem jurisdiction over <theultimatefighter.com> pursuant to 15 U.S.C. § 1125(d) and 28 U.S.C. § 1655 and interpretive case law. Upon information and belief, this Court cannot exercise personal jurisdiction over the registrant of <theultimatefighter.com>, as

1 the registrant is located outside of the State of Nevada and/or <theultimatefighter.com> website is
 2 not interactive. As a separate and independent basis for in rem jurisdiction, upon service of this
 3 Complaint upon the registrar of <theultimatefighter.com>, the registrar will deposit
 4 <theultimatefighter.com> domain name into the registry of the Court. In addition, the situs of
 5 <theultimatefighter.com> domain name is, or will be, in this judicial district where the owner of
 6 the trademark contained in <theultimatefighter.com> domain name is located.

7 3. Venue is proper in the United States District Court for the District of Nevada under
 8 28 U.S.C. §§ 1391(b) and 1391(c). Venue lies in the unofficial Southern division of this Court.

9 **PARTIES**

10 4. Plaintiff Zuffa, LLC (“Zuffa”) is a Nevada limited liability company with its
 11 principal place of business in Las Vegas, Nevada.

12 5. Upon information and belief, <theultimatefighter.com> is an Internet domain name
 13 registered by Anton Resnick, an individual residing and doing business in the North Miami Beach,
 14 Florida.

15 **ALLEGATIONS COMMON TO ALL COUNTS**

16 6. Zuffa does business as the Ultimate Fighting Championship® (“UFC®”) brand,
 17 both registered trademarks. Zuffa is a private company that promotes Mixed Martial Arts
 18 (“MMA”) contests or exhibitions.

19 7. MMA contests involve bouts between athletes skilled in the various disciplines of
 20 all martial arts including karate, jiu-jitsu, boxing, kick-boxing, grappling, wrestling and other
 21 combat sports.

22 8. THE ULTIMATE FIGHTER name and logo are trademarks that are owned by
 23 Plaintiff and registered on the Principal Register of the United States Patent and Trademark
 24 Office, including, among others:

- 25 a. The Ultimate Fighter: Registration No. 3,122,194 for laser video discs,
 26 digital video discs, digital versatile discs and CD-ROM discs, all featuring
 27 sports events and mixed martial arts;

1 b. The Ultimate Fighter: Registration No. 3,038,488 for tee-shirts; team
2 uniform reproductions, namely jerseys featuring reproductions of
3 professional athletic team logos; hats; caps; and for entertainment in the
4 nature of an on-going television program in the field of sports and mixed
5 martial arts;

6 c. The Ultimate Fighter: Registration No. 3,252,567 for tank tops; shorts,
7 headwear; workout and sports apparel, namely shorts and shirts; and
8 (collectively, the “THE ULTIMATE FIGHTER Marks”). These federal trademark registrations
9 have not been abandoned, canceled, or revoked. These federal trademark registrations have not
10 been abandoned, canceled, or revoked. Zuffa also has common law rights in the ULTIMATE
11 FIGHTER mark, which it used in connection with a cable television special entitled “ULTIMATE
12 FIGHTER: TEAM MILETICH.” (Collectively, the THE ULTIMATE FIGHTER Marks.”)

13 9. Since as early as 2003, Zuffa and its predecessors-in-interest began using the THE
14 ULTIMATE FIGHTER Marks in connection with advertising and promoting a television special
15 and reality show in the United States.

16 10. Since as early as 2003, Zuffa has used the THE ULTIMATE FIGHTER Marks in
17 the United States in connection with its goods and services. Moreover, Zuffa currently has a gym
18 located in Las Vegas, Nevada, used in conjunction with the “The Ultimate Fighter” reality
19 television series, which has been broadcast on the Spike television network since approximately
20 2005.

21 11. In fact, Zuffa televises many of its MMA contests through pay-per-view, cable and
22 satellite television channels within the United States and around the world. In addition, substantial
23 UFC® content, such as UFC® Unleashed, UFC® Fight Night, and UFC® All Access, are featured
24 on the Spike TV cable television channel, a channel that is available in over 90 million U.S.
25 households.

26 12. Zuffa and its predecessors-in-interest have spent millions of dollars to advertise and
27 promote its marks in print, broadcast media, and on the Internet through the UFC® website
28 accessible throughout the United States and around the world at <ufc.com>, among others. A true

1 and accurate copy of the home page and an interior page the UFC® website is attached hereto as
2 Exhibit 1, and is incorporated by this reference. In addition, Plaintiff has made extensive use of
3 the THE ULTIMATE FIGHTER Marks on, among other things, signage, wearing apparel,
4 souvenirs and promotional materials.

5 13. Based on its federal trademark registrations and extensive use, Zuffa owns the
6 exclusive right to use THE ULTIMATE FIGHTER Marks in connection with MMA contests or
7 exhibitions and related goods and services.

8 14. THE ULTIMATE FIGHTER Marks have become distinctive and famous in the
9 United States and throughout the world for MMA contests or exhibitions and related goods and
10 services.

11 15. On January 22, 2004, Anton Resnick registered <theultimatefighter.com> domain
12 name with eNom, a registrar of domain names. The domain name contains THE ULTIMATE
13 FIGHTER Marks.

14 16. By registering and using <theultimatefighter.com> domain name containing THE
15 ULTIMATE FIGHTER Marks, the registrant of <theultimatefighter.com> was and is attempting
16 to trade on the goodwill of Zuffa.

17 17. Upon information and belief, <theultimatefighter.com> domain name was
18 registered with a bad faith intent to profit from THE ULTIMATE FIGHTER Marks.

19 18. The <theultimatefighter.com> domain name was registered without the consent of
20 Zuffa.

21 19. Upon information and belief, the registrant of <theultimatefighter.com> domain
22 name has no prior use of <theultimatefighter.com> domain name in connection with the bona fide
23 offering of any goods or services.

24 20. Upon information and belief, the registrant of <theultimatefighter.com> domain
25 name has made no bona fide non-commercial or fair use of <theultimatefighter.com> domain
26 name in a site accessible under the domain name.

21. Upon information and belief, the registrant of <theultimatefighter.com> domain name did not believe or have a reasonable grounds to believe that the use of <theultimatefighter.com> domain name was a fair use or otherwise lawful.

COUNT I
(Cybersquatting
Under The Lanham Act, 15 U.S.C. § 1125(d))

22. Zuffa incorporates the allegations in the preceding paragraphs as if fully set forth herein.

23. The registrant of <theultimatefighter.com> domain name has registered, trafficked in, and/or used domain names that are confusingly similar to Zuffa's THE ULTIMATE FIGHTER Marks.

24. Upon information and belief, the registrant of <theultimatefighter.com> domain name has or has had a bad faith intent to profit from Zuffa's marks.

25. As a direct and proximate result of such conduct, Zuffa has suffered, and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that the Court grant the following relief:

A. A preliminary and permanent requiring the domain name registrar to transfer the registration of <theultimatefighter.com> to Zuffa; and

B. All other relief to which Zuffa is entitled.

DATED: April 21, 2010.

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